

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Monday, October 14, 2013
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:00 p.m.**

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: September 16 and 17, 2013
3. Parole Suitability Hearings and Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

REPORTS AND PRESENTATIONS

5. Report from Executive Officer
6. Report from Chief Counsel
 - Proposed Revisions to Administrative Directive Regarding Deportation Orders
 - Proposed Administrative Directive Regarding Inmate Presentation of Documents Pursuant to California Code of Regulations, title 15, section 2249
7. Discussion Regarding Tours of Transitional Housing Facilities, Led by Commissioner Montes

OPEN COMMENTS

8. BPH Commissioners - Agenda Items for Future Meetings
9. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO TUESDAY, October 15, 2013

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, October 14, 2013
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **2:00 p.m.**

DISCUSSION

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)

(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity where disclosure of these considerations could compromise or impede safety or security.)

Issue

1. Reviewing the Confidential Section of Central Files, Presented by Anthony Murphy, Correctional Lieutenant

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 15, 2013
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **9:00 a.m.**

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues

1. *Coleman/Plata v. Brown*, Case No. 2:90-cv-00520 LKK JFM P (E.D. Cal.), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
2. *In re Kang*, No. 175010 (Santa Clara Cnty. July 16, 2013), presented by Howard Moseley, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 15, 2013
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
 Executive Board Meeting Room
 Suite 550
 Sacramento, California 95814

NOTE START TIME: **10:00 a.m.**

AGENDA

MEETING RECONVENED (Continued from Monday, October 14, 2013)

EN BANC REFERRALS

10. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. OLSON, JAMES **D-11191**
 County of Commitment:
 Los Angeles

11. Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. PRATT, DENNIS **C-23010** **To comply with Penal Code section**
 County of Commitment:
 Sonoma **3041.5(a)(4)**

C. SANTIBANEZ, JASON **J-53181** **To consider the term calculation**
 County of Commitment:
 Yuba

12. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, sections 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

D. ACEVES, SALVADOR **H-73423** **To consider new information**
 County of Commitment:
 Orange **regarding a rules violation report**

13. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

E. RUGGE, JESSE **T-69730**
 County of Commitment:
 Santa Barbara

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

F. PRINCIC, KARL **K-28046**
County of Commitment:
Orange

DISCUSSION ITEMS

14. a) Comments and Clarification Regarding Correctional Rehabilitation Programs Advisory
Committee Minutes: April 15, 2013 and July 15, 2013
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

OPEN COMMENTS

15. BPH Commissioners - Agenda Items for Future Meetings
16. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:
www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)
(“...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.”)

ADJOURNMENT

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 15, 2013
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:30 p.m.**

AGENDA

1. Office of Victim Survivor Rights and Services Program Update
 Katie James, Staff Services Manager I
2. Parole Outpatient Clinics
 Robert Storms, Chief Clinical Program Administrator
 Division of Adult Parole Operations
3. Rescission Hearing Procedures Update
 Howard Moseley, Chief Counsel
4. Public Comments

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, October 16, 2013
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **9:00 a.m.**

AGENDA

1. ADA Issues
 Katie Riley, Senior Staff Attorney
 Heather McCray, Staff Attorney

2. Public Comment

LUNCH BREAK

1. Overview of Senate Bill 260
 Howard Moseley, Chief Counsel
 Heather McCray, Staff Attorney
2. Use of Confidential Information at Parole Hearings
 Howard Moseley, Chief Counsel
 Tiffany Shultz, Senior Staff Attorney
3. LSTS Enhancements Update
 Christine Buffleben, Parole Agent II
4. Public Comments

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, October 17, 2013
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **9:00 a.m.**

AGENDA

1. Proposed Modification to Comprehensive Risk Assessments
 Dr. Cliff Kusaj, Chief Psychologist
 Forensic Assessment Division
2. Overview of Term Calculations
 Katie Riley, Senior Staff Attorney
 Susan Booth, Staff Attorney
3. Long-Term Offender Work Group Update
4. Confidentiality of Inmate Medical Information
 Howard Moseley, Chief Counsel
5. Public Comment

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, October 17, 2013
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:30 p.m.**

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

1. *In re Lockett, Jr.* (June 24, 2013, B242244) (nonpub. opn.), presented by Jerome Hessick, Senior Staff Attorney
2. En Banc Referrals of Cases Likely to Result in a Court-Ordered Rehearing, presented by Howard Moseley, Chief Counsel
3. *Armstrong v. Brown*, Case No. C-94-2307-CW (N.D. Cal.), presented by Howard Moseley, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Friday, October 18, 2013
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **9:00 a.m.**

DISCUSSION

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)

(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity where disclosure of these considerations could compromise or impede safety or security.)

1. Accessing Confidential Information in ERMS, presented by Sara Lopez, Parole Agent III

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

2. *Clark v. California*, Case No. C 96-1486 CRB (N.D. Cal.), presented by Howard Moseley, Chief Counsel, and Dr. Cliff Kusaj, Chief Psychologist, Forensic Assessment Division

Personnel Matters

Pursuant to Government Code section 11126(a)(1)

(A board may meet in closed session to consider the appointment, employment, evaluation of performance or dismissal of a public employee.)

3. Employee Misconduct Affecting Parole Hearing Procedures, presented by Rhonda Skipper-Dotta, Chief of Field Operations

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.